

COMMISSION CONFERENCE**December 10, 2002**

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Present: Mayor Naugle
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: Assistant City Manager, City Attorney, and City Clerk
Sergeant Rousseau and Sergeant Spencer

I-A – Executive Airport - Noise Compatibility Study

Bill Crouch, Manager of Executive Airport, stated that their goal for the Executive Airport was to have it be the best Airport of its type, and to be a benefit to the community. He explained they felt they were a benefit to the community because they were an employment center which had a substantial economic impact on the area. He further stated that they recognized that they had a noise impact on the community and this was a top priority. He further explained they had a Comprehensive Noise Abatement Program and considerable resources had been spent to develop the program. He continued stating that they were proud of what the City of Fort Lauderdale had done to help and they were pleased to have the cooperation of the pilots, as well as participation of the community, in dealing with the noise issues at the Airport. He stated that these two groups helped to develop the program and achieve the goal of minimizing the noise to the surrounding community to the extent possible while working within the Federal Aviation Regulations.

Commissioner Moore entered the meeting at 1:35 p.m.

Mr. Crouch continued stating that the proposed Noise Compatibility Program was the best opportunity to minimize noise to the surrounding communities. He stated that they hoped the City Commission would approve this Noise Compatibility Study on December 17, 2002 to be sent to the FAA. He explained that according to the FAA rules, they had 180 days to review and approve the study after it was certified that all documentation had been submitted in accordance with their regulations. He further stated that they felt if the operational measures included in the noise study were not approved by the FAA or if the measures were not effective in reducing noise subject to the review of the City Commission to determine its effectiveness, then they would recommend the next step which was to go through the FAR Part 161 Process which involved a cost benefit analysis of restrictions at the Airport, as well as curfews and other operating limitations to reduce noise to the community.

Mr. Crouch stated that the noise study began concurrently in April of last year with a Master Plan Study being done by Kimley Horn & Associates, as well as with Harris, Miller, Miller & Hanson. He stated that the public information portion of both programs was headed by Sheryl Dickey. He explained that both programs were done simultaneously because they shared a lot of data. In the middle of the Master Plan update, it was determined that the noise considerations of the Airport were of such concern to the citizens that they decided to table the Master Plan effort. He stated that the Master Plan dealt with such things as runway lanes, load-bearing capacity of the runway, and the infrastructure of the Airport.

Mr. Crouch proceeded to introduce Clara Bennett who was working closely with the consultants on the noise abatement study, and would give an overview of the program and information regarding the public outreach portion of the program.

Commissioner Moore asked what kind of cost impact was there in tabling the Master Plan Study and just proceeding with the Noise Abatement Study since simultaneous efforts had been made to work on them together.

Mr. Crouch stated that after untabling the Master Plan in about one year after the noise study the cost impact would be approximately \$80,000. Commissioner Moore proceeded to ask what was the negative impact in doing them both simultaneously since one portion addressed the needs of the community, and the other was a full plan of the Airport. Mr. Crouch explained that one of the things they discovered was that the noise considerations at the Airport were an overriding concern on the part of the community, and

they wanted to address those concerns and restore the Airport's credibility with the community. He further stated they wanted to emphasize that both studies were not just an Airport expansion effort.

Mayor Naugle stated that they also wanted to see if the recommendations included in the noise study which would be implemented, would have an impact so that less complaints would be received from the community before they proceeded to discuss any future expansion plans.

Clara Bennett reiterated that the process began in April, 2001, and explained that the City did these processes on a regular basis. She explained it was a voluntary program designed to take a comprehensive look at the Noise Abatement Program, element by element, as well as issues currently raised in the community that needed to be addressed through the federal process for which ultimately FAA approval would be necessary. To assist the City with the process, a coordinating committee was established which worked closely with the Airport staff and the consultants in developing the recommendations for the new program.

Ms. Bennett explained that the Committee was comprised of volunteers representing the community, the users of the Airport, along with other municipalities and regulatory agencies. She stated the group had met 8 times throughout the process which had been opened to the public. She further stated that the City also hosted three open house meetings during the 18-month period to review the recommendations and obtain additional input. She further stated that the Airport staff also met regularly with the District I Alliance Homeowner Associations and other individual homeowner associations in the City, and with the unincorporated areas of Broward County adjacent to the Airport. She explained that regular updates had been provided through the City's web site on the Noise Abatement Program, along with the Part 150 updates given on Channel 38 and meeting notices provided for the public. Information was also supplied to the newspapers and several homeowner associations included updates in their monthly newsletters.

Ms. Bennett replied that they also had sent out information throughout the process to several thousand residents. One had been sent in June which listed draft recommendations, and another one in November publicizing the public meeting for November 12th. In addition, fliers were sent out last week to approximately 13,000 residents which listed the final set of recommendations up for Commission review. Addresses were also included for the community of the FAA, and Congressional Representatives who could provide assistance to the City in obtaining approval for the recommendations through the FAA process.

Ms. Bennett continued stating that Airport staff had been invited to attend and present a list of recommendations to the City Commission meeting at Oakland Park, who endorsed the recommendations presented and expressed their support. They also met recently with the City Commission of Tamarac who also indicated they would be forwarding a resolution to the City of Fort Lauderdale expressing their support of the recommendations that had been presented.

Ms. Bennett proceeded to introduce Ted Baldwin of Harris, Miller, Miller & Hanson who would review the list of proposed recommendations.

Ted Baldwin stated that through the massive public interactive process, they spent a lot of time and money informing and educating the public. He explained that Part 150 was a Federal Regulation which set forth standards for airports to follow in conducting voluntary comprehensive studies of noise and land use compatibility planning around the Airport.

Mr. Baldwin stated that 300 airports around the country entered into the Part 150 Program. He explained they had helped about 55 airports to do studies and give updates in implementing such programs.

Commissioner Smith proceeded to ask how many airports actually existed throughout the country. Mr. Baldwin stated that there were 1800 public use airports.

Mr. Baldwin further stated that this was the third Part 150 study the City undertook at Executive Airport. He believed that out of 300 airports, probably 100 of them had done one update. He felt the updates which Fort Lauderdale did showed the City and community recognized noise abatement was a continuing effort on a daily basis. He explained that Part 150 ended up with a submission to the FAA which had two principal components. The first was a Noise Exposure Map which was a very complete description of the Airport layout, and its operations. Two time frames were studied which consisted of the existing year, along with a five-year forecast. He further stated that the Airport layout was reviewed which involved its operations, the types of aircraft, the times of day they operated, the runways and flight tracks used, and the profiles flown. They also reviewed the land uses around the Airport and their relevant sensitivity to aircraft noise.

Mr. Baldwin explained there was no requirement in Part 150 to do any noise measurements, but the City chose to include measurements and have a continuing permanent noise monitoring system. Ultimately, he stated that the FAA required them to describe the noise in terms of a measure called DNL which was a measure of total noise exposure over the entire year. He stated that everything between 10:00 p.m. and 7:00 a.m. was counted 10 times, which was the same as 10 day time operations. Mr. Baldwin explained that the FAA required them to look out to the 65 DNL level because outside of that level land use was compatible with aircraft noise, even though noise did not stop at that level. He stated that the focus of the study, recommendations being made, input from the public was focused outside of the contour area because the concern was not the steady noise level, but the unusual single noise events, unusual flight tracks, and operations at night which were of particular concern.

Mr. Baldwin stated that the second element was the so-called Noise Compatibility Program which was a comprehensive package of measures to do everything necessary through noise abatement to shrink the size of the contours and reshape them, and move them away from sensitive areas. Once this was done, land use measures were reviewed in an attempt to prevent future incompatibility. He explained that the City's focus had always been on controlling the noise, and not controlling the land use. Finally, it included continuing program elements for day-to-day implementation of the program to make sure it was as effective as possible.

Mr. Baldwin further stated that the study had been conducted with an enormous amount of public involvement. He explained that the amount of public involvement of this City far exceeded the Part 150 requirements.

Mr. Baldwin proceeded to review the measures involved. He explained that since this was not the first study being done, they were not starting from a clean slate, but were building on a history of noise abatement planning and attempting to make an existing program better and more effective.

1. Restriction of Jet Use of Runway 1331 which was the diagonal and shorter runway of the Airport and was infrequently used and had residential areas immediately at the end. This restriction was first suggested in the middle 1980's. He stated one item they were recommending and wanted the City Commission to approve was upgrading this restriction. Up to now it was an informal or voluntary preferential runway program. He further explained they were proposing to ask the FAA to make this a formal, mandatory program because they wanted the FAA to be a partner with them in implementing such a program.
2. Extension of the Upland Leg of Runway 1331 Turnpike Departures. This meant if you took off from Runway 1331 you needed to maintain runway heading until you got to the Turnpike before making any turns. Normally, lighter, propeller aircraft used this runway, and this kept them from making early turns over the developed areas at the end of the runway. He stated that Palm Aire Village was immediately affected north of the Airport.

3. Turbo Jet Noise Abatement Departure Profiles. He explained that there were many ways a pilot could fly a plane when taking off in a turbo jet aircraft and many technical issues were involved. He stated that the FAA and the National Business Aviation Association and some of the aircraft manufacturers developed procedures in helping aircraft minimize the amount of noise during departures. The procedures could either be closed-in or distant depending on how close the residential communities were located in relation to the Airport. Since they were presently in a closed-in situation, they always recommended the closed-in procedure and wanted to continue recommending this. He explained this was implemented through the Pilot Information Program which was ongoing. He further stated this could not be made mandatory for pilots because the pilots in command ultimately decided on what was the safe operation for the aircraft. He stated that the base pilots understood and wanted to work with the Airport to operate the planes as quietly as possible.
4. Runway 26. He explained this was a noise abatement departure heading to the west.

Commissioner Moore left the meeting at approximately 1:54 p.m.

Mr. Baldwin stated that most of the high performance aircraft departing were headed to the north and west. He explained that before this measure went into effect years ago, the planes made early turns immediately over the residential areas. He further stated they were trying to get the pilots to initiate their turns at a point which would lead them through another corridor. He stated in addition there was an FAA navigational aid to use as a turn indicator and was a middle marker for the landings. He explained that the FAA was decommissioning the landing system and they wanted them to maintain the marker as a turn deacon.

Commissioner Smith asked if they would be successful in that request. Mr. Baldwin stated that he hoped so because they had shown cooperation in Palm Beach. He continued stating that it might come down to a funding issue. Commissioner Smith asked if the later turn would become a mandatory procedure. Mr. Baldwin stated they were asking that it become a formal procedure because presently it was voluntary. He explained that mandatory meant that these instructions would be given to a pilot, and the pilot would have to follow the procedures because it would be unsafe for them not to.

Commissioner Katz asked what would happen if the pilots did not follow the procedures. Mr. Baldwin stated that there was an administrative process followed by the FAA because they took this very seriously. It would also be very dangerous due to other traffic which could be in the area for the pilots not to follow the instructions. Depending on the gravity of the situation, the pilots could be fined, warned or even have their licenses suspended or revoked.

Mayor Naugle asked what airports had these mandatory terms. Mr. Baldwin replied that Palm Beach International had some procedures for many years. Ms. Bennett replied that Executive Airport had that since 1994 due to the I-95 turn. She explained that prior to 1994, 100% of their departures went east, and as of February, 1994, they had been able to get that reduced to 70% to 80% for assigned headings. Mayor Naugle asked what percentage of pilots followed those instructions. Ms. Bennett replied that 70% to 80% of the pilots were instructed for the turns, and they had to follow the procedures. Essentially, there was 100% compliance.

Commissioner Moore returned to the meeting at approximately 1:58 p.m.

5. Runway 8 Departures - I-95. Mr. Baldwin stated that this was a procedure recommended in the early 150 studies and had been initially rejected by the FAA. The FAA felt it directed traffic to other cities which caused some concern. It was through an effort

whereby the pilots and citizens went with the Airport staff to the FAA and brought strong

pressure to the FAA and worked out a safe compromise. Basically, every aircraft was assigned straight runway headings until they reached the coast. Therefore, since most traffic was going north and west, they suggested the turn along the I-95 corridor. The compromise was that the traffic going east or south would go straight out and slightly turn and once over the water would turn back down. Approximately 75% of the traffic went north and west and every one was assigned the heading along I-95. One of the things they wanted to do was to tighten this up using the navigational aid out of the Fort Lauderdale International Airport to help pilots know when to turn and what headings to use.

In addition, he stated they were requesting the FAA to go one step further and assign the heading to basically every jet aircraft departing. He explained that propeller aircraft were assigned tighter turns.

Mayor Naugle asked if there was an airport which required the mandatory turn, and if the instruction was violated what action was taken. Mr. Baldwin stated that he would recheck with the FAA, but he had worked with about 60 airports throughout the country and never heard of a pilot not adhering to an assigned heading because it was a safety issue.

Commissioner Katz asked what were the chances of getting the turn up I-95. Mr. Baldwin stated there were concerns on the part of the FAA, and that design and coordination procedures had to be reviewed. He further stated that Pompano Beach Tower, Palm Beach Tower, and Miami Tower coordinated over the heavily congested areas. He believed that they could get the percentage rate to 100% or close to it and procedures were developed with the tower managers. He explained that the tower managers actually gave them the guidance on how to design the turn and develop the procedures to make things work.

Commissioner Smith asked if the 30% would be heading south or did it include north and west bound traffic. Mr. Baldwin stated that the 25% today which headed straight out had destinations south and west. He explained that all the airports along the east coast were coordinated together. Commissioner Smith asked if 100% of the flights would take off along the commercial corridor. Mr. Baldwin explained that was their recommendation, and they had received informal sign-off from the tower manager, but the FAA would reserve final judgment.

Mr. Baldwin stated that some of the other important issues were traffic coming in and out of Fort Lauderdale. The FAA could request the pilots to sit on the runways for a minute until traffic passed. He stated they were asking for some compromise from the pilots, but thousands of people would benefit.

6. Quiet One Procedure. Mr. Baldwin stated they were going to request this go to a formal status also. He explained that the pilots had developed this procedure for the hours of 10:00 p.m. to 7:00 a.m. so that aircraft departing to the east and being given the 90° heading would request a 360° corkscrew turn and climb over the commercial corridor before heading straight out.

Mr. Baldwin stated that over the years the City had encouraged people who wanted to develop in the southwest corner of the Airport to construct buildings to act as noise barriers, and provide ground noise relief to the residents living adjacent. He further stated that the Airport had established a restriction requiring aircraft to do maintenance runups during the daylight hours only and on the run-a-pad in the middle of the Airport.

7. Preferential Runway. Mr. Baldwin stated that this was another measure which they were requesting be upgraded to a formal measure. He explained that between 10:00 p.m. and

7:00 a.m., winds permitting, all departures would take off on Runway 26 and land on Runway 8. He explained this was safe at night because there were very few operations going on. He stated the compliance with this measure had been quite good over the years. When the City first recommended this, the FAA had turned them down because the tower was closed at night. Therefore, the City had paid about \$200,000 out of the Airport fund to pay for the opening of the tower at night so this measure could be implemented. He felt this was a real commitment on the part of the City.

8. Touch and Go Operations. Mr. Baldwin stated there currently was a voluntary restriction of "touch and go" operations at night. He explained that some residents asked for this to be restricted also on weekends. Other airports in the area had adopted this restriction such as Pompano Airport and Boca Raton. He stated they did not want planes landing here because of their failure to match restrictions of other airports.
9. Vertical Guidance. Mr. Baldwin explained that aircraft was given vertical guidance to land on each runway end, and depending upon the instrumentation was set at 3E or 3 1/4E. They were requesting that this guidance be raised to 3 1/2E. He explained this seemed like a small increase but it provided a decibel of improvement and was as high as the FAA would approve.

Mr. Baldwin reiterated that they would like to see all of these recommendations implemented in a formal manner, but in addition the contours for 2007 were smaller than those for 2002 because there was a tradition that the older, noisier corporate jets would be phased out due to economic reasons. They wanted to monitor this and the implementation of all the noise abatement measures, and if they were not implemented by the FAA or the phase out of the older aircraft did not automatically happen, they were recommending that the City then enter into a use restriction study called a Part 161 Study.

Commissioner Smith stated that regarding Quiet One there had been some discussion that while they were waiting for the FAA to make their determination regarding the mandatory turn-ups, they entice the 30% of the pilots to take part in the voluntary Quiet One by subsidizing the fuel loss. He asked if anything more had been discussed regarding this procedure.

Mr. Crouch stated this was an agenda item for this Thursday's meeting of the Aviation Advisory Board asking for their input along with the pilots input on this matter. He explained they were not sure if they wanted to proceed in the direction of dollars for decibels or if they wanted some sort of incentive program to be provided, such as the Annual Ace Award.

Mr. Baldwin stated that the focus had always been on noise abatement and not on putting the burden on land use. He explained they were not recommending any additional noise abatement measures. He stated there were three elements involved. One was that the Airport staff downtown would continue to monitor the proposals for redevelopment within the noise contours and provide feedback to developers. In a new development, noise attenuation be required in the buildings. Another issue which caused some confusion was fair disclosure. He explained this was an existing measure which had been implemented for a number of years and stated that the City would provide information to realtors and communities so they would be aware of the results of the Part 150 study, and aware of where the noise contours were located. Realtors could then educate the residents so they would be more informed of the situation.

Mr. Baldwin stated that the last set of elements were the continuation of implementation elements. He explained that the Airport had a Continuing Noise Abatement Advisory Committee which held monthly meetings and gave feedback to the Airport. He stated there were a couple of people who shared noise abatement office duties, and they were now recommending that a third person be added to insure that the

monitoring be complete. Mr. Baldwin explained that the Airport had a near state-of-the-art Noise and Operations Monitoring System. He stated that it was about five years old and they were asking for FAA and FDOT funding to have it updated. He explained the software was ANOMS (Airport Noise and Operations Monitoring System) and it was the first installation in the world, and it had since gone on to be

the world leader in monitoring systems.

Mr. Baldwin reiterated that it was important to have a continuing public information program. Signs were posted at the Airport and would be updated, along with pilot handouts which went into their manuals. He stated they had committed to doing noise exposure maps and updating the noise compatibility studies every 5 to 6 years, and were working with the FAA to get the Air Terminal Information Service to put a noise abatement message on that service, but that was hard to accomplish. He explained they had used the Ace Awards for pilots who had a high degree of compliance regarding noise abatement procedures. Finally, regular noise abatement workshops provided for pilots because training was extremely important. One had to get the message out there.

Mr. Baldwin stated he felt this was a great program and community input was involved.

Mayor Naugle asked if they were scheduled to have a 6:00 p.m. public hearing on December 17, 2002 and if this presentation would be made once again. Mr. Crouch stated they were scheduled for December 17, 2002 and were listed as R-1 on the agenda being heard right after the Consent Agenda, but it was not scheduled as a public hearing due to there not being an FAA requirement. Mayor Naugle remarked that public comments could be given now in regard to this matter.

Commissioner Smith left the meeting at approximately 2:15 p.m. and returned at 2:16 p.m.

Rick Asper stated that this discussion went back 30 years because the original Noise Control Act had been enacted by Congress in 1972. He stated that in 1982 he had bought a home under the flight path of Runway 8 in Coral Ridge Isles, and noticed a substantial reduction of noise in the last 20 years due to the work done by the Federal Government.

From a percentage standpoint, he stated that he disagreed with Mr. Crouch on numbers which he felt were important because they showed the extraordinary effort by FXE to get these discussions under way and have everyone participating in the benefits of Part 150. He explained that there were only 75 airports in the USA which currently had mandatory noise control. The total public use airports totaled 5,300.

Linda Bird, President of Lake Estates, stated that they had formed a coalition with other homeowner associations regarding the rising level of noise from the Airport at the northeast part of the City. She stated they all felt that the Airport noise had not been reduced, but that it had actually elevated. She stated that she had been part of the MPCC process since April. She stated that she wanted to offer some comments on the report which had been distributed. Ms. Bird stated that the consultant had done an excellent job in trying to get the information into the report, but they wanted to see more complete comments given by the people who attended the workshops. She felt the comments had been sanitized and suggested that a video be given to the FAA of the workshops so the comments could be more clearly expressed and understood. She stated that at the November 12th meeting, they had been asking the City to put a date certain on the last recommendation so the Part 161 study could be incorporated immediately following the six-month time frame. She asked why they were not going to proceed with the vote regarding expansion and why they were waiting until after the election before this was to be discussed. She felt this was a volatile issue and the associations wanted the Commission to understand their concerns. They did not want any expansion of the runways. She also stated that she was a realtor and never had received copies of any type of disclosure. She explained that she was verbally explicit to any future purchasers in the affected areas.

Susan Day, representative of Coral Ridge Isles, stated that she wanted to read a very brief statement as follows:

"Coral Ridge Isles Homeowners Association represents the neighborhood in its support of the Airport's effort to work with the FAA to implement the recommended Noise Abatement Element of the Revised Noise Compatibility Program. The issue of expansion, as we understand it, is contingent on the results of these efforts. We believe that a united front of Airport, community and government will be the

most expected stance in dealing with the FAA and achieving long term results. We also feel that the Airport has always dealt in good faith, as has the City Commissioners we worked with."

Don Hampton, President of FXE Airport Users Association and President of Banyan Air, stated that he wanted to read a short statement as follows:

"The Fort Lauderdale Executive Airport is an important part of the transportation system acting as the gateway to the US from Europe, South and Central America, the Bahamas and the Caribbean. In search of time, flexibility, and security in a global environment, the public has found Executive Airport to be one of the most progressive and efficient aviation airports in the country. Over this last year, many of the users of Executive Airport has participated in a workshop and presentations which have taken place throughout the Part 150 study. The participation of the users has been a spirit of enhancing the Airport to meet the demands of the users and residents, and at the same time reduce the negative impact on the community. Needless to say, there are numerous users of Executive Airport who also live in the community, and have families and friends in the immediate area. The concerns of the users to reduce the noise at the same time enhance the usefulness and efficiency of the Airport is demonstrated in our association's pro-active actions towards educating pilots, contacting pilots that departed with loud aircraft, and participating in voluntary programs that when permitted by the control tower allows us to fly quieter. The recommendations of the FAA Part 150 Noise Study have been reviewed by many of us at Executive Airport and 543 people associated with the Airport have signed in agreement that we are also in line with the recommendations that had been presented today that we feel would enhance Broward County, the City of Fort Lauderdale, and travelers flying in and out of Executive Airport. The FXE applauds the efforts of this study by the area residents, the Airport tenants, and especially the FXE Airport staff. We look forward to supporting the City in realizing the vision of Executive Airport as the best general aviation airport of its kind."

Betty Shelley, Imperial Point, asked how often were the monitors checked and when complaints were made by the residents did they recheck the monitors. She stated they had a good relationship with the Airport, but the people got tired of calling and complaining.

Ms. Bennett stated that they heard this on a regular basis and understood that it would be great to address each individual issue when presented, but it was a continuing effort on everyone's part. She explained that the nature of the calls were important to the staff because it went towards their documentation regarding the needs of the community. Whether they received complaints from residents or not, the permanent noise monitoring system was in place to record incidents. The information would then be used immediately in order to follow up with the operators and to have the data base of information available for the comprehensive review of the existing program. Ms. Bennett stated they had 6 monitors in place at the present time, and they were on an annual maintenance contract with the vendors so parts were regularly inspected and replaced. She continued stating that the equipment was programmed to be automatically calibrated each and every day.

Bob Lynn, Imperial Point, asked if Naples had a similar system in place. He suggested that if 10% or 20% of the pilots were violating the rules, he felt consequences should be initiated so instructions would be followed. He felt if consequences were not involved, then it was worthless to have voluntary programs in existence.

Mr. Baldwin explained that Naples did not have a permanent monitoring system in place and only had portable noise monitors. He stated Naples was a leader in the Part 161 studies. He stated this was a new requirement and if an airport wanted to restrict operations of aircraft which met minimal noise standards,

airports had to do very detailed cost analysis reports which had been around since 1991. He continued stating that only approximately 8 airports had done such a program. He explained that the only study approved by the FAA was the one done at Naples to restrict the two older classes of aircraft which did not meet the most modern Stage III Jet Use Restrictions. He stated that this had immediately been implemented by the Airport and the results were dramatic. Noise complaints fell back dramatically. He

stated that the timing of a 161 study was a policy decision, but the FAA said very clearly that you must exhaust all non-restrictive measures before looking at restrictions. He further stated that the consultant's cost for such a study was approximately one-half million dollars, and another one-half million dollars for outside counsel because there would be tremendous opposition from the aviation community.

Commissioner Smith stated that some of the citizens were under the impression that the 20% to 30% of the traffic heading straight out violated rules and regulations. He understood that no procedures were being violated by that 20% to 30% and asked for further clarification.

Mr. Baldwin stated that the existing mandatory procedure for the turn was assigned by the tower and that percent still heading straight out were not in violation, but were in compliance with FAA instructions. Commissioner Smith asked if this could be requested voluntarily. Mr. Baldwin confirmed. Commissioner Smith stated that possibly they could incent them to do that by supplying dollars for decibels or some type of similar program.

Commissioner Katz stated that she looked back at the statistics for the last 4-6 months and it appeared that the same 6 companies were allowing their pilots to head straight out, and she felt if the pressure was put on those companies results could be achieved. She stated that she had already sent out letters to those companies and received one call in return.

Commissioner Moore left the meeting at approximately 2:41 p.m.

Mayor Naugle stated that until it became mandatory, he did not feel results would be seen. Commissioner Katz agreed, but felt pressure could be placed on the violators. She further stated that other companies at the Airport had called and written to the violators, but had been ignored. Mayor Naugle reiterated that it needed to become mandatory. Commissioner Smith asked if Commissioner Katz would be in favor of an interim incentive. Commissioner Katz confirmed.

Kevin Bolander, resident since 1954 and owner of Executive Hardware for 23 years plus a pilot, stated that since the late '70's he had watched the City steer the operations of the Airport so that his property value increased and his business prospered. He stated that he had faith in the City and felt they would proceed in the right direction.

Robert Richards, resident, stated that he did not agree that the noise problem improved, and felt it had only gotten worse over the years.

Christine Teel, President of Sunrise Intracoastal Homeowners Association and member of the Alliance of the Northeast Homeowners Association, stated that she had heard for the last 8 years the concerns of the residents living in the path of the Airport. She stated there was such a frustration level among the communities of people who did not trust the political process, and she felt that was a very sad commentary. She stated that Commissioner Hutchinson was the "eyes and ears" for the International Airport. She further stated that the residents were feeling so disenfranchised that they needed to know that their concerns were being heard. She felt the letter consisting of four pages from Bay Colony stated all the concerns, and she proceeded to caution the Commission that people felt the plans for the International Airport would affect the Executive Airport. Questions were already being asked by the residents.

Mr. Crouch stated that airports did not send planes from one airport to another, and that was determined by the market place and delays experienced by the pilots.

Commissioner Moore returned to the meeting at approximately 2:51 p.m.

Mr. Crouch stated they had to provide an infrastructure that would meet the demands that were placed upon the Airport, and had to operate in accordance with the Federal Aviation Regulations, and therefore, could not limit the Airport capacity by ordinance or their actions alone. The Airport had to be available for all planes. He explained that they had always indicated to the community that they were a corporate and business general aviation airport, and were not looking to get into the airline business. They had limited

ramp space and had a capacity for a certain number of planes.

Martin Falk, past President of North Andrews Homeowners Association and a member of the Municipal Service Advisory Board for the County, stated that as far as the County was concerned, they never had anyone complain about what the Executive Airport was attempting to do. He stated the community only wanted the quietest airport that could be had with the least infringement upon their privacy and ability to function. He further stated that the Airport gave their full cooperation. He also stated that Commissioner Katz also replied whenever he either called or e-mailed her. He felt the recommendations being made would be a benefit to his neighborhood and the Airport, and hoped the Commission would support them.

Alan Goldberg, Executive Vice President of Holland Sheltair Aviation Group, stated that they were active in airports throughout the state developing facilities such as FBOs, hangar space, office buildings, and other products. They had a substantial investment both in the Fort Lauderdale International Airport and the Executive Airport. He stated that he had lived in some of the communities adjacent to the Airport until recently and had personal experience regarding this matter. He stated that he also served on the FXE Association Board and a member of the Airport Task Force studying the runway expansion. Mr. Goldberg stated that he felt the Part 150 recommendations being made for the most part were outstanding for all parties involved, and he felt there was not much compromising being recommended. He stated that the bottom line was that things were put forth so the business community, the aviation community, the community at-large which surrounded the Airport, and the City of Fort Lauderdale, including the economic impacts, could all be comfortable with, and he felt it was important that the Commission make the recommendations to the FAA.

Mr. Goldberg continued stating that the one item which came out in yesterday's Board meeting of the FXE Association which caused some concern was the "Touch 'n Go's." It was recommended that they be eliminated at night and on weekends, but there were many people who opposed this. After much deliberation, the Board recommended support of all the provisions being proposed for the Part 150, excluding the "Touch 'n Go's." Instead they recommended that they be eliminated in the evening hours, but be permitted on weekends.

Jim Cairn, resident of Bay Colony, stated that he believed he was hearing a "white-wash" for the existing conditions. He stated that the value of his home had decreased and he wanted to sell his property due to the offensive noise.

Mayor Naugle stated if they had the ability to require the turns be made along I-95, they would support this unanimously, but through this study they wanted the FAA to implement that requirement. If that was approved, then 100% of the traffic would turn north and eliminate the noise to the community. In addition, Mayor Naugle stated that if they proceeded with the 161 Study, even more restrictions could be implemented and greater relief provided for the communities. Mayor Naugle reiterated that a problem did exist with the noise, and they were attempting to get the mandatory turn implemented so relief could be provided for the neighborhoods.

Mr. Cairn stated that the problem was getting worse, and the neighbors were just giving up. Mayor Naugle asked if these recommendations went to the FAA would that help the community. Mr. Cairn confirmed and stated that anything that appeared to be remedial would be a help to everyone.

Jim Duncan, resident of Lake Estates, stated that he had spoken to a realtor who replied that anyone owning waterfront real estate east of US 1, the values were rising.

Commissioner Katz thanked everyone who worked on the various committees during the past year regarding the noise study. She also thanked Linda Bird and her group which researched the matter and stated their concerns. She felt it would be a good idea to have the consultant address some of the concerns raised either at today's meeting or on December 17, 2002. Commissioner Katz felt that four concerns raised in the group's letter needed to be addressed. One item was the 161 Study to be initiated immediately at the conclusion of the Part 150 Study.

Mr. Baldwin stated that he believed this was a policy decision to be made by the City Commission. The FAA's public policy was that the Part 150 study be conducted first exhausting all non-restrictive remedies before proceeding with the 161 study. This process had to be followed in order to be eligible for funding and it was a lengthy process which involved approximately 6 months.

Commissioner Hutchinson asked if all the voluntary efforts had been exhausted at this point in time, why were they not proceeding with the 161 study. Mr. Baldwin stated that they did exhaust all their efforts, and that was why they were recommending to make them mandatory and formal. He reiterated that all non-restrictive remedies had to be exhausted before proceeding with the 161 study.

Ms. Bennet stated that this involved operational measures. She further stated that 20% to 30% of the traffic was still heading straight out, and their solution or approach was to have that group turn along I-95 which was an operational solution which they felt would provide some relief. If this turn was not approved as an operational solution, then they could initiate a Part 161 study. Their recommendation was twofold in that even if they implemented the requested turn and issues were not resolved, then they would recommend proceeding with the Part 161 study. A third caveat was also included in that if the fleet mix reductions they anticipated happening due to economic trends did not occur, then they would initiate the Part 161 study.

Commissioner Smith clarified that if this report was sent to the Federal Government and they approved the recommendations, every plane would have to turn along I-95 and the problem would be solved. At this point in time, it was strictly voluntary. If this did not solve the problem, he reiterated that they could then proceed with the 161 Study and pose further restrictions. He felt this mandatory turn could be a good solution to the existing problem.

Commissioner Katz stated that another concern raised in the group's letter referred to the Quiet One references and that they should be made mandatory. Mr. Baldwin stated that had been done based on the public input they had received and the change had been made. Commissioner Katz stated that another concern was in regard to the printing of directives for noise abatement procedures in the standard departure forms and the approach flight plans for landings. Mr. Crouch stated that when the FAA made the procedures formal, it would be up to them to print the appropriate information and provide it to the pilots. Presently, in their office they have printed suggestions which were distributed to the pilots with instructions regarding Quiet One departures and the pilots assisted in working out the procedures. Mr. Crouch continued stating that they could supplement whatever the FAA did officially, but the FAA had official access to the approach and departure plates. He also stated that as part of the process they were requesting this be done.

Ms. Bennett stated that all the noise abatement procedures, including Quiet One, were included in the Airport Facility Directory which was a handbook for the pilots regarding all airport information.

Commissioner Katz asked when a pilot flew into an airport having requirements regarding noise, the pilot referred to a manual. Mr. Crouch confirmed and stated it was all part of the process. Mr. Baldwin emphasized that the pilots used the Airport Facility Directory and the existing program was presently included in the handbook and any changes approved by the FAA would be immediately included and updated in the handbook.

Commissioner Moore left the meeting at approximately 3:01 p.m. and returned at 3:02 p.m.

Mr. Crouch reiterated that this could be included in the noise study. Commissioner Katz emphasized that it should be included at this time.

Commissioner Katz proceeded to state that the other item raised in the group's letter regarded an absolute no runway expansion position to be initiated now or in the future. Mr. Crouch reiterated that the Master Plan had been tabled along with the issue of the load bearing capacity for the runway, and would not be included in the study.

Mr. Crouch stated that the Master Plan possibly was going to recommend that a 700' extension to the east/west runway be made, along with increasing the load bearing capacity of the runway to 95,000 pounds, but that would be the Commission's decision to make. Commissioner Smith remarked that Ms. Bird's group wanted this Commission to go on record stating they were opposed to the expansion forever.

Mayor Naugle remarked that the present City Commission could not tie the hands of a future Commission, and therefore, they could symbolically make a decision or express a vote that they were not interested in an expansion of the runway, but the future Commission's could change that decision. Commissioner Smith suggested that this be included in the Charter and that it could only be done through a referendum. Mayor Naugle remarked that this would have to go before the voters.

Commissioner Katz remarked that this issue did not pertain to the present noise study. Mr. Crouch confirmed.

Mayor Naugle stated that last item was that the Commission be in-tune with the wishes of the community and keep communications opened with the Airport staff. He further stated that if the City was a leader in noise abatement in the country, they might not be able to find anyone with as much experience as Mr. Crouch regarding this matter, but when the City Manager in the future would be recruiting an airport manager such experience should be considered.

Commissioner Moore stated that this report had been very well done and they had listened to the residents regarding their concerns and included them in the process. He continued stating that his concern was the Master Plan concept. Mr. Crouch stated that this was part of the 18-month process, including the noise and master plan being done concurrently. He reiterated that the Master Plan had been tabled due to them attempting to get a handle on overriding concerns from the community regarding the noise issues. Commissioner Moore further asked if it would be inappropriate for them to consider dealing with the Master Plan at this time. He felt most of the report was requesting the FAA to give their comments. Commissioner Moore stated that he was concerned about this because of the Capital Budget for the next five years. He stated that \$20 Million was going to the Executive Airport and he felt a Master Plan should be included. He further stated that he was under the impression that possibly a change in the runway could reduce some of the noise. He asked if it was sensible to table the Master Plan and continue with the noise study, or should they proceed with the Master Plan.

Mayor Naugle remarked that he would not be able to support any airport expansion under the current existing conditions because residents were suffering, and the problems had to be addressed.

Commissioner Moore emphasized that the Part 150 study could not be implemented until it received FAA approval. He felt since the study was completed and it was being presented to the FAA, their job was done, and he wanted them to proceed with the 161 Study if the recommendations were not implemented. Then, he felt by proceeding with the Master Plan, it might have further reductions in the noise giving them a route to make the community more informed of the facts, and offer the community what they were desiring.

Mr. Crouch stated they needed the support of the community in order to expand the Airport or provide

infrastructure for the Airport. He further stated that they had committed to the community that the Master Plan would be tabled and they would proceed with the noise study, and procedures would be developed and implemented when approved by the FAA. They would then evaluate the situation, and then return before the Commission and make a recommendation as to how to proceed with the Master Plan. He emphasized that they needed the credibility with the community.

Commissioner Moore stated that he understood what Mr. Crouch was saying, but he felt they did listen to the community and the issues had been dealt with accordingly. He felt they were making every effort to address the noise issues. He stated that he would not support \$19 Million being given to the Airport without a Master Plan.

Mr. Crouch stated that any project within their CIP relating to airport expansion would slide, but they had to show it in their CIP so they could stand in line for federal funding, and in some cases, 90% of the funding came from the federal government. Whether they proceeded forward with the project would be the determination of the Commission.

Mayor Naugle stated that even after the FAA approved the procedures, they would have to measure the results and see if problems had been solved. He emphasized that he was not acting out of emotion, and felt certain that residents were suffering and some of the problems might be solved.

Commissioner Hutchinson stated that if these measures were approved by the FAA, it would be a more restrictive airport than what existed today. Some of the recommendations were things they desired to have implemented as a community for the Fort Lauderdale International Airport, but at the time the make-up of the Commission was different and it was not their decision, but more of a County decision. Commissioner Hutchinson further stated that in reviewing the run-ups from 7:00 a.m. to 7:00 p.m., she stated that what was being recommended today would only address today's issues at the Airport. They might come back to the table during the process of the Master Plan and update the noise abatement program for the future. She felt the recommendations presented would address today's noise issues, and hopefully those in the future, unless the Airport decided to expand to a larger facility.

Commissioner Moore left the meeting at approximately 3:16 p.m. and returned at 3:20 p.m.

Commissioner Smith remarked that they needed to speak collectively as a community.

Mayor Naugle stated that regarding the timing to proceed with the 161 Study, he wanted it to be successful, and the reason he wanted to proceed with it was that he sensed with other communities around the nation restricting Stage I and Stage II aircraft, the noisier aircraft could migrate to airports which did not have such restrictions. Mayor Naugle continued stating that some of the \$19 Million was for maintenance for the downtown heliport and reinforcing taxi-ways which had to be done.

Mr. Crouch remarked that 592 helicopters had been serviced.

Commissioner Smith stated that he was not aware of how much noise the "Touch 'n Go's" created on the weekends, and asked if any information was available. Mr. Crouch stated that this was less a noise issue and more of a nuisance issue. He stated that this was a problem predominantly in the northern area such as Palm Aire Village. He explained that Boca and Pompano had limited operations, and therefore, did not want to be the dumping ground for these type of operations. Commissioner Smith asked if this could be done during the week. Mr. Crouch confirmed and stated that night operations could also be done until 10:00 p.m. He further stated that North Perry Airport had no such restrictions.

Commissioner Smith asked if there was any way to discourage the companies not following the procedures such as not renewing leases. Mr. Crouch replied that could not be done. Mayor Naugle asked if he could be supplied with the names of the six violators not following the procedures. Mr. Crouch stated they would redouble their staff efforts regarding those six companies. Commissioner Katz

reiterated that those six companies were not respecting the other pilots and companies at the Airport, and asked how they could be enticed to follow the rules. Mr. Crouch stated that at the present time it had to be done with peer pressure because it was a voluntary program, and only a small percentage did not follow the program. He continued stating that by making the procedures formal, there would be some stigma and punitive action taken. Commissioner Hutchinson suggested the six companies be invited to the next Commission meeting. Commissioner Smith suggested that the Mayor and Airport Manager meet with the six companies. Mayor Naugle confirmed.

Commissioner Smith stated he felt they needed to have some sort of enticement in their pocket. Commissioner Hutchinson stated she did not want to pay those companies in order to make them follow procedures because other people were doing it voluntarily. She suggested they attend a public hearing

and be embarrassed. Commissioner Smith asked if the recommendations were going to be presented to the FAA before the next Commission meeting. Mr. Crouch stated that they would have the input from the Aviation Advisory Board, but he did not know if a policy or recommendation would be developed before that date, but their input could be shared with the Commission. Commissioner Smith stated that he wanted them to work hard on that issue and felt a solution was needed within the next six months.

Mayor Naugle stated that there could be another danger regarding incentives because if they were given an incentive to not fly over even though they could not mandatorily be prevented from doing so, and the problem was solved would the FAA then say it was not necessary to make this mandatory because a solution was provided. Then, after the FAA rejected the Part 150 study and the planes returned flying overhead, then the problem would exist as before.

Mr. Crouch stated that both procedures were included in the Part 150 study, and incentives would be for the planes that continued to fly to the east by going higher, but they still needed to turn up I-95. In the interim, they would like to find something that would entice them to voluntarily follow the procedures. Commissioner Smith asked if they were going to run the risk that they would temporarily solve the problem, and discourage the FAA from making the recommendations mandatory. Mr. Crouch stated that he did not believe such a risk would be present. Mayor Naugle remarked that he just wanted everyone to be cautious.

Commissioner Moore stated that he was concerned about the Aviation Advisory Board's input having a positive impact on the problem. Commissioner Smith asked how much money would be involved. Commissioner Hutchinson remarked that FAA money could not be used. Mr. Crouch remarked that it could possibly be a recognition program. Commissioners Katz and Smith suggested the companies be recognized for not doing the right thing.

Commissioner Moore stated that to go through the process in the manner being proposed, what was the time frame involved. Mr. Crouch explained they were looking at the FAA accepting the study which would take them 1 to 2 months to review it and acknowledge that everything had been submitted in accordance with their requirements, and then the 180-day clock would start ticking. He explained further they would make every effort to accelerate the time schedule, but the FAA would probably have another 180 days on top of what they had at the beginning of the process. Within that 180 day period, there was a 45-day comment period whereby they would receive public comments, and he stated it was important to have the citizens respond and support the recommendations being proposed.

Commissioner Moore asked if the leases had to be renewed for the violators. Mr. Crouch stated they had to renew them as long as the program was voluntary and they would not have any legal grounds to reject the lease. He stated he could research that matter further, but they had to operate the Airport on a fair and reasonable basis and not be discriminatory.

ACTION: Item scheduled for December 17, 2002 Commission meeting at 6:00 p.m.

Recess was taken at 3:28 p.m.

Commission reconvened at 3:33 p.m.

Mayor Naugle suggested they skip over Item I-B and proceed to Item I-C due to the fact that some people present for Item I-A were also present for Item I-C.

I-C – Florida Department of Transportation (FDOT) - Proposed Improvement Project for U.S. 1 (Federal Highway) - North of Commercial Boulevard to North of McNab Road (C-14 Canal)

Peter Partington, Traffic Engineer, stated that this was an access management project. He continued

stating that Dominic Novello was the Project Manager for the project.

Mr. Novello stated that he was here along with representatives of the Department of Transportation to present the project to the Commission. He explained that this project ran from north of Commercial Boulevard to Seaport and for purposes of this presentation, he explained that he would be speaking about the area up to the City of Fort Lauderdale's city limits which was north of 65th Street.

Commissioner Moore returned to the meeting at approximately 3:36 p.m.

Mr. Novello continued stating that there would be six lanes just as there were today, but currently they were 12' travel lanes and would now be changed to 11' travel lanes, shifting them to the inside providing an additional 3' lane on each side for bicycles. He stated there would be landscaped medians and sidewalks as existed today and there would be no widening of lanes. He continued stating that this was called a 3-R project which included resurfacing, restoration, and rehabilitation. He further stated that resurfacing was a key item and the first 1 ½" of asphalt would be removed and replace it with an additional 1 ½" of new fresh asphalt which would help the tires to grip the roadway better reducing skid potential and accidents.

Mr. Novello remarked that in addition to vehicular safety, there would also be pedestrian safety because each of the curb returns at the intersections would be reconstructed to meet the Department of Transportation and ADA requirements.

Mr. Novello further stated that sidewalks, driveways and pedestrian features would be upgraded to enhance the level of safety. Regarding vehicular safety, one of the key elements was access management. He stated that this corridor had 12 median openings, and 7 of them were signalized. The initial design being presented was not set in stone and could be changed and they wanted the City's input. He further explained that the median openings at NE 53rd, NE 52nd, and an entrance at Imperial Point Drive would be closed which would reduce the number of conflict points.

Commissioner Moore left the meeting at approximately 3:40 p.m.

Mr. Novello explained that the definition of a conflict point was that an opening at an intersection had 22 locations where one vehicle would cross the path of another vehicle, and there were potential accidents for those locations. When a full closure was done, those 22 locations were reduced to 4 sites. In addition to those areas, the median opening at NE 57th Street would be modified by placing an island in the middle and allowing traffic on Federal Highway to make left turns, and from the side streets to make right turns only. He reiterated that at this location, the number of conflict points would be reduced from 22 to 12. He stated there were studies done by the Transportation Safety Board and other agencies which proved these facts reducing accidents by 18% and fatalities being reduced by 25%.

Mr. Novello stated that of the seven signalized intersections, four of them would be upgraded to Mast Arm installations, and the intersections north of 54th Street, at 55th Street, along with the signal at Promenade

Plaza north of Bayview, would have the signals removed without impacting the level of safety in those areas, and the intersections would remain opened.

Commissioner Smith left the meeting at approximately 3:43 p.m.

Commissioner Moore returned at approximately 3:43 p.m.

Mr. Novello stated that all signage and pavement markings would be removed and replaced with new signs giving motorists more of an awareness of the area. He further stated that highway lighting did not meet design criteria, and therefore, a new system would be installed on the eastern side of the roadway. He also stated that the corridor would also be enhanced with landscaping and irrigation which would cost approximately \$100,000. He stated that the overall project was scheduled to take about one year, and in order to accelerate the project a traffic control plan was devised to help the contractor and the public get

through the construction period. He stated that the lane closures would occur during off-peak hours.

Commissioner Katz stated that it was important they sit down with the Homeowner Associations and have them aware of the time schedules and hear their input as users in the area. She asked if the lights along Federal Highway were going to be placed in the middle of the sidewalks. Mr. Novello stated they would not be placed in the middle of the sidewalks.

Mayor Naugle asked if there had been any community meetings and felt they were necessary.

Commissioner Katz replied that a business meeting was held. Mr. Novello stated that a meeting was held with businesses and residents. Commissioner Katz reiterated that residents had not been notified.

Commissioner Smith returned to the meeting at approximately 3:47 p.m.

Mr. Novello remarked that residents had attended the meeting and had been invited. The same presentation was made to them. Mayor Naugle asked when and where that meeting had been held. Mr. Partington replied the meeting was about one month ago and he believed FDOT mailed out notices to people within 200' of the project. Betty Shelly replied that notices had only gone out to businesses. Mr. Partington stated that he had attended the meeting and there was a representative of one of the Civic Associations. He further stated that the public information sessions were scheduled over 3 hours and people came and went.

Don Winsett, Imperial Point Homeowners Association and also a representative of the Church and School, stated they had found out about the meeting approximately 2-3 days beforehand and was in the form of a flyer which just happened to show up. He stated there was no presentation made and it was only an open forum. He stated they were not aware of why the study was being done. He stated they had attempted to have speed humps in those areas during the last few years and the numbers being presented were totally incorrect. He further stated that this was done during the middle of August which was the lowest peak time. Mr. Winsett stated their traffic study which had been done tripled the numbers. He felt they were putting a lot of cars into an area where there would be difficulty in turning. He stated there were approximately 1100 kids in the school, and about 4,000 to 5,000 members for the church. He stated that he was questioning the validity of the study which had been done.

Mr. Novello stated they could speak with the Public Information Officer at FDOT and see if notices could be sent out in a better manner.

Betty Shelley, Imperial Point resident, stated that she heard about this through a letter from the City. She stated that she had spoken to the Manager at Publix and the Manager of the Library - Becky Peters, and stated making that turn into the area was very difficult and proposed many hazards. She felt closing that entranceway was not a good idea.

Mayor Naugle remarked that a public meeting was necessary before the Commission could voice their position on this matter. Commissioner Smith suggested that the Commission take the position of not supporting the closure.

Commissioner Katz stated that the bottom line was the communities had to be involved and give their input.

Ms. Shelley suggested that U-turns not be permitted along with no left turns, and leave the median opened.

Mr. Novello stated they could take all these points under consideration and re-evaluate the issue and meet with FDOT since it appeared this project was not meeting the needs of the community.

Commissioner Katz asked if they were planning on doing a construction site at the Landings Park area at 55th Street. Mr. Novello replied that the contractor had not yet been selected and they selected the staging area. Commissioner Katz suggested that the Park site not be utilized as a staging area. Commissioner Hutchinson asked if the City participated in the process of choosing the staging areas. Mr. Greg Kisela, Assistant City Manager, stated that FDOT would hold a pre-construction meeting with the contractor and the City.

ACTION: FDOT schedule a public meeting with enhanced notification to the residents.

I-B – Proposed Five-Year Capital Improvement Plan (CIP) for 2002-2007.

Phil Thornburg, Chairman of the Capital Improvement Program, stated that they were looking at their funding at \$26.8 Million and their uses also at \$26.8 Million. He explained the General Funding contribution was down at \$2.5 Million and the carried forward amount was up from last year due to closed out projects. He explained that their recapitalization was at \$8.077 Million. He stated the gas tax was at \$900,000.

Mr. Thornburg continued stating that the uses went to debt service for previous bonds sold and the traditionals basically stayed the same from year to year. He also stated that the transportation projects matched with some of the funding of miscellaneous safety improvements for the roads, and year two projects for recapitalization.

Mr. Greg Kisela, Assistant City Manager, stated that everything in the queue would be funded from the budget.

Commissioner Moore stated he was concerned about the interest being received on the money and asked what type of return was being received.

Terry Sharp, Assistant Finance Director, stated he did not have a current number but felt they were in the neighborhood of 4%. He stated that the General Fund contributions had been scaled back due to the closing of projects and interest earnings received.

Commissioner Moore asked if the site at the Airport for the training facility was appraised at \$575,000. Commissioner Smith remarked that it had been appraised at \$1 Million, and only the training facility had been appraised at \$575,000. Commissioner Moore asked about the \$11 Million for A1A expansion.

Mr. Kisela stated it was under design and included land acquisition. Commissioner Moore stated if that money was not going to be spent in 2003, he wanted to spend it elsewhere. Mr. Kisela reiterated that a bulk of the money would be going for land acquisition. He further stated that the money was available and could only be used for this project. There was also no ability to earn interest on the money. The State was

receiving interest on the money and they placed that money into their General Fund.

Horace McHugh stated that the Airport Capital Improvement Plan had money coming in from FDOT and the FAA. Commissioner Moore asked if all the money was being received from the FAA regarding Homeland Security. Mr. McHugh stated that Mark Cervasio was heading up the project and was working with the City Engineer and they were looking at approximately \$2.2 Million in grant funding for this year from the FAA and FDOT to upgrade and replace fencing around the Airport. They were hoping for an additional \$3 Million to \$4 Million for the following year in grant money to upgrade the surveillance system.

Mr. Thornburg stated that there was a Master Plan for Utilities Services and the stormwater fund was at \$1.3 Million and they would use \$1.3 Million. Commissioner Moore asked if there was any way additional monies could be gotten for the stormwater project. Mayor Naugle stated there was a grant request in for the International Airport. Mr. Kisela remarked that an application had been made and they had also explored with FEMA for additional monies, but in those cases you had to repeatedly document property

damage before funding could be secured. He stated they were continuing to explore the possibilities and had been challenged on the stormwater issue and would try to be more pro-active.

Commissioner Moore stated that he wanted the Commission and staff to know that he was not anti-bonding for the stormwater issues, especially since they would be under ground for the other utility improvements. Commissioner Smith thought they were spending some money for the stormwater improvements out of the Water/Sewer Master Plan Fund. Commissioner Moore stated that the amount was not adequate because the need was higher than the money available. He felt if they were going to disrupt the neighborhoods with the utility improvements being done, then they should find a way to totally complete the project at one time.

Mr. Kisela remarked that in 1992 and 1993 when the Stormwater Fund was originally formed, the focus was on quality and not on quantity. He stated they were addressing quantity and that would present some challenges and they were reviewing the matter, and would return to the Commission with some recommendations.

Mayor Naugle suggested that possibly a combination of stormwater fee plus a property owner contribution be done. Commissioner Hutchinson reiterated that they were looking at 2005 for some of the sewer improvements. Commissioner Katz stated if they were going to look at bonding, they would have to look carefully at the different methods available and review priorities. Commissioner Moore felt that a person needing to get to and from their home was a priority.

Mr. Thornburg continued with his presentation. He stated that the Sanitation Fund dropped off and there was no money available. The Parking Capital Improvement Fund had increased and there were several projects going on at the present time, such as City Hall and the City Parking Garage.

Commissioner Moore asked if they were getting any money from the Airport regarding the City Parking Garage project.

Doug Gottshall, Parking Services Manager, stated that the Executive Airport agreed to fund some money towards the project, but he was not sure to what degree that would be. Mr. Crouch stated they agreed to participate, but they did not yet know their level of participation but would let the Commission know at a future date.

Mr. Thornburg stated that the final boards in his presentation were the recapitalization and they were looking at about \$8 Million. He stated that Engineering had gone through all the facilities in the City and prioritized everything. Commissioner Smith asked when they would receive the determination as to the No. 1 project. Mr. Kisela stated there were some preliminary indications, but they were anticipating a letter from DEP this week.

Commissioner Hutchinson stated that Station 47 was not listed. Mr. Thornburg stated that Station 47 required a complete rebuild which could not be funded through the CIP.

Mr. Kisela stated that Station 47 was in year 1 and the enhanced accelerated recapitalization was dependent upon some policy determinations regarding public safety. He explained that this dovetailed around available resources, and if additional resources were to be available such as through the Public Safety Bond Issue, then they would revisit the matter. This was based on rehabilitation and not total rebuild.

Commissioner Hutchinson stated that they were to approve a modular during tonight's meeting and that \$700,000 was in the CIP, and asked where the money would come from for Station 47. Mr. Kisela stated that in year 1 Station 47 had been included. He further stated that the money was there and the design had worked its way through for rehabilitation. He stated that these were policy issues that would have to be sorted out.

Commissioner Katz stated that under the section entitled Traditional, waterway dredging had \$150,000 for '02 and '03, but then only \$45,000 for the next year. She stated there was a large backlog regarding dredging and asked what would happen during the years '03 to '07.

Mike Fayyaz stated those numbers were in anticipation and they were not sure what they would ask for in the next year. He stated that for this year they also had \$45,000 and additional funding was requested from CIP.

Commissioner Hutchinson left the meeting at approximately 4:14 p.m. and returned at 4:16 p.m.

Mr. Kisela stated that this was three times what had been requested historically to deal with the backlog. Commissioner Moore replied that the State could help fund these types of projects. Mr. Kisela stated that these were more maintenance projects, but they did receive funding for the New River and North Fork.

Commissioner Katz stated that under the section marked Traditional there was an item marked BCIP for \$100,000, and she proceeded to ask if such a program was available. Mr. Fayyaz stated there was such a program and Marisol Lotito was working on it.

Mr. Kisela stated that when the responsibilities for NCIP and BCIP were transferred to Engineering, Marisol was also transferred and a vacant position was transferred. Therefore, resources were also transferred to administrate this. Mr. Fayyaz remarked that within the next 3 months things should be in place. Commissioner Katz asked when people would be able to apply. Mr. Fayyaz stated that he did not know as of this time, but hoped it would be early next year.

Commissioner Smith stated he was also concerned about this. Commissioner Moore stated that it might be a necessity, due to the number of applications for the NCIP, that the money would be rolled over. Commissioner Smith stated that the NCIP project languished last year and the message being sent was that they were going to proceed with other things, and this should not be done and they should not delay matters but make things happen. Mr. Fayyaz stated they had been catching up.

ACTION: As discussed.

I-D – Urban Design Core Steering Committee

Mayor Naugle clarified that any member of this committee could also serve on another advisory board. The City Clerk stated that the member could be the DDA Executive Director or a member of the Board or a property owner within the DDA that was not on the Board.

Mayor Naugle asked if there was a preference regarding the DDA. Commissioner Smith stated that he felt they needed to offer them two positions. Commissioner Moore disagreed and stated that he thought they were happy with what had been recommended. Commissioner Smith reiterated that the members of the DDA were not pleased with how things were at the present time.

Mayor Naugle asked if there should be two DDA members and no separate property owner, plus the DDA Director. Therefore, the two property owners would be the DDA. Commissioner Smith stated that he felt they all needed to be included. Mayor Naugle clarified that there would be two DDA members, one property owner not on the DDA, and the Executive Director. Commissioner Moore suggested as a compromise that they follow what was represented on the list presented to them today and ask that the DDA send a representative or the Director send correspondence regarding this concern. At the previous meeting, they basically stated they wanted one DDA member, one property owner, and a staff member. Commissioner Smith stated there was no Sunshine Law violation, but the DDA was not happy. Therefore, the question was whether they wanted the DDA to be happy or not. Commissioner Moore stated he had no objection addressing what they were supposed to do today based on backup information received beforehand.

Commissioner Hutchinson stated she wanted two appointments from the DDA and let them make the actual appointments. Commissioner Smith reiterated that he felt they should have two members plus the Executive Director.

Mayor Naugle stated that they should do what was on the exhibit and let the DDA decide if the property owner should be a DDA member or not. Commissioner Katz stated that was a good idea.

Commissioner Smith reiterated that he wanted the record to reflect that he wanted two DDA members, plus the Executive Director, and the property owner. Commissioner Moore clarified that the DDA would return before the Commission with three appointments. He further recommended that one property owner within the CRA, who was not a member of the CRA, be appointed and that was Jim McKinley. Commissioner Smith agreed.

Commissioner Katz stated that it appeared she had a vacancy and wanted to appoint Tim Hernandez.

ACTION: DDA and CRA Advisory Board recommend their designations and report back to the Commission.

I-E – Creation and Appointment of Members - Code Advisory Committee

Commissioner Katz appointed Alan Vordermeier and Victoria Pisto-Revier.

Commissioner Smith appointed Doug Blevins and Dave Demereaux.

Commissioner Moore appointed Margaret Haney Birch and Marsha Goldsby.

Commissioner Hutchinson appointed Genia Ellis and Ginnie Hancock.

Mayor Naugle appointed Caldwell Cooper and Bunney Brennerman.

Commissioner Katz stated it appeared there were no monies available to do the monthly cost for transcription of the meetings, and asked how they would pay for the transcriptions.

Greg Kisela, Assistant City Manager, stated that it was not in the budget and was similar to the FPL Committee and costs added up. Commissioner Smith asked if they considered hiring a staff person for this job. Mr. Kisela stated that there were many different meetings and one service could not be used. He

stated if funds were not available, they would have to return before the Commission.

Mayor Naugle remarked there were several vacancies which could probably absorb the cost, but they might have to ask for an appropriation in the future.

ACTION: None.

I-F – Proposed Temporary Road Closure - S.W. 4 Avenue Between Broward Boulevard and S.W. 2 Street

Commissioner Hutchinson stated they were closing too many roads and wanted to meet with staff and discuss the matter.

ACTION: Approved. Commissioner Hutchinson to meet with staff on this closure.

I-G – North Central and Central County Annexation Partnership Committees

Commissioner Moore stated appointments were to be the elected officials.

ACTION: None taken.

III-B – Advisory Board Appointments

Cemetery Board of Trustees

Commissioner Hutchinson appointed Mark Van Rees.

ACTION: Appointment to be considered at Regular Meeting.

Commissioner Hutchinson left the meeting at approximately 4:28 p.m. and returned at 4:29 p.m.

Commissioner Katz stated that when the Community Services Board issue arose, the Mayor had asked staff to review the Board's previous activities. Mayor Naugle replied they were still waiting on that report to be provided to the Commission.

Board of Adjustment

Mayor Naugle stated that Al Massey would be invited to interview for the Alternate vacancy for this Board.

ACTION: Mr. Massey to attend and be interviewed on December 17, 2002.

Downtown Development Authority

Doug Eagon would be reappointed to this Board. Mayor Naugle stated that there was going to be a vacancy on that Board and asked if individuals were going to be invited to the December 17, 2002 meeting to be interviewed. The City Clerk confirmed.

Commissioner Moore suggested that Peter Feldman be interviewed. Commissioner Smith suggested Norm Adams. Commissioner Katz suggested Bill Scherer, and Commissioner Hutchinson suggested Sam Poole.

ACTION: Interviews would be conducted at the next Commission meeting.

Unsafe Structures and Housing Appeals Board

Commissioner Smith stated he was going to speak to Tray Morgan regarding this Board.

ACTION: None.

IV – Commission Reports

ULI Report

Commissioner Katz stated that in reviewing part of the ULI report, she asked that possibly now was the time to re-evaluate the zoning, height and density issues on the beach. She suggested an ordinance be developed for the beach. She stated that next to single-family homes in Oakland Park, there was approved zoning for huge condominiums.

Commissioner Smith stated that he had tried to get the area north of Sunrise to agree to down zoning to reduce height and increase the setbacks, but they had taken the position that they wanted to do this themselves through committees being established. He stated that if you wanted to deal with density, he

felt they should talk about the appropriate locations for condominiums in Central Beach. He stated he was not in favor of condominiums in the PRD. Commissioner Katz asked if this could be discussed.

Mayor Naugle stated that they were presently in the middle of an election and felt it was not a good idea to have staff do such a study.

Commissioner Katz reiterated that they should look at the ULI Report where they had redone some of the zoning, and decide where they wanted condominiums and hotels, how tall they should be, and how it could all be put together. Commissioner Smith agreed.

Commissioner Smith stated there was major pressure to allow condominiums in the ABA area and creative techniques were being used. Commissioner Hutchinson stated it was all a financing gimmick. Commissioner Smith reiterated they needed a clear policy for the area.

Commissioner Moore stated that another issue was the economy to be considered. He felt that possibly they needed to have an economist come and discuss how deals were financed and put together so the Commission could be more informed of the matter. Commissioner Smith agreed.

ACTION: Economist to give a report on this matter.

Outrigger Canoe Club

Commissioner Smith stated that he had been trying to get approvals for having a club get another outrigger canoe on the beach. He reiterated that the ULI had suggested that more family amenities were needed on the beach.

Mayor Naugle stated that he had asked staff to return with a recommendation regarding this matter. Commissioner Smith stated that he felt they should proceed and approve the item at today's meeting and quit talking about it. Commissioner Moore stated he wanted competitive process in any matter that would bring in revenue to the City and asked if the club was paying to be at the beach.

Commissioner Smith explained this was a club that anyone could join and every night at 6:00 p.m. if you wanted to paddle, you showed up. Mayor Naugle remarked that there might be some sort of administration fee.

Ernest Burkeen, Director of Parks and Recreation, stated that the issue was that there were only a certain number of spots allotted for rental and there was a waiting list. Commissioner Smith stated he had a problem with that because if there was a waiting list and there were restrictions, who applied the restrictions. He felt there should be no restrictions. Mr. Burkeen replied that the restrictions were placed by the "turtle people" who would not allot them more space on the beach.

Mayor Naugle asked if there were any other spots that could be available for this amenity.

Commissioner Smith clarified that the "turtle people" could keep the canoes off the beach. Mr. Burkeen confirmed. Commissioner Smith stated he needed more information on this.

Mayor Naugle suggested this matter be put on the conference agenda and a report be provided to the Commission.

Commissioner Smith remarked they were in a terrible gridlock.

The City Attorney stated it was not the "turtle people" who were holding them back, but it was the rules and regulations of the launching area that would hold them back. Commissioner Smith stated that a launching area was not needed since the canoes were just carried to the water.

Commissioner Moore stated that he needed some more specifics on the matter and he reiterated his desire for a competitive process.

Mayor Naugle replied that there was a process where items were placed on the agenda and staff reported. Things should not be done on an impulse due to the fact that other impacts could be involved down the road.

Commissioner Hutchinson stated that she would be in favor of this but also felt they needed to see what the "turtle people" had to say regarding launching areas.

The City Attorney stated that they needed to review the concession regulations.

ACTION: Item to be discussed on December 17, 2002.

New Classrooms in Broward County

Commissioner Moore stated that discussions that took place at Stranahan involving new classrooms did not involve the East Side schools. He stated that it was mentioned that there would be "0" population, and therefore, no need for classrooms in the future. He urged the Commission to have the School Board validate their statistics because their reports showed that the neighborhoods were changing tremendously.

Commissioner Hutchinson suggested the School Board attend a Commission meeting, along with the Education Advisory Board, and have them discuss the matter. Commissioner Moore stated that he had heard the School Board was willing to do some rehabilitations to some of the schools, but they felt some schools did not warrant additional growth in the future.

ACTION: The School Board and Education Advisory Board would be invited to a Commission meeting to discuss this matter.

School Board Projects Dillard Football Field

Commissioner Moore stated that he needed help from the Commission to motivate the School Board to do two projects. One of those was the Dillard Football Field and Concession Stand. He stated that one-half million dollars had been put into this project from a bond project and the facility was still not completed. He explained that he had written a letter to Dr. Till and wanted to find some way to have this project finished to fulfill the needs of the community. He further stated that the Parks and Recreation staff had a detailed report on the needs and shortfalls of the project. He stated that bleachers were to be put on the site also, but that had not yet been done.

ACTION: Possibilities to be researched to have this project completed.

Sunland Elementary

Commissioner Moore stated that this matter was landlocked due to drycleaners operating next to the school, along with a car maintenance shop. He stated that the school needed additional parking and improved crosswalks. He stated further that requests had been made to the School Board to acquire the two places of business, and additional classrooms were needed.

ACTION: Education Advisory Board to discuss the matter and make a recommendation.

Lifeguard Stands

Commissioner Hutchinson asked if this matter was still being reviewed.

Mr. Kisela, Assistant City Manager, stated that correspondence from Tim Schiavone was received yesterday. Through advice from the City Attorney, he spoke with the contractor and planned to agenda on December 17, 2002 a revised scope so modifications could be made to the existing stands and have the cost reduced 10% to 15%.

Commissioner Hutchinson suggested they check into the Industrial Design Research product. Mr. Kisela confirmed that would be done. Commissioner Smith stated that a 10% reduction was not enough.

Commissioner Katz felt an effort needed to be made because of the existing contract. The City Attorney stated there was no requirement that the contract had to be signed, but the requirement was that the Commission approve the contract. Signing was only administrative. The question was that under the rules they allowed a reconsideration for the use upon the following meeting, and the use was reconsidered at the following meeting. He stated that the contractor had already signed the contract, but the City had not yet signed it. He further stated that the matter was being reviewed.

Mr. Kisela stated that the recommendation was \$37,000 to \$38,000 for the cost of the stands, and with reductions they were now down to \$33,000.

Mayor Naugle stated he was concerned about the visibility for the lifeguards and the obstructions that had been pointed out.

ACTION: Matter would be reviewed and a report brought back to the Commission.

Proposed Acquisition on S.W. 19th Avenue

Commissioner Hutchinson asked if there was any update on the property located at S.W. 19th Avenue.

Greg Kisela, Assistant City Manager, stated that they had instructed the Real Estate Office to secure the necessary appraisals.

ACTION: None taken.

Swing Sets

Commissioner Hutchinson stated that she had received a copy of a letter sent to Commissioner Katz regarding swing sets in residential backyards. She stated that she was upset about homeowners being cited for swing sets. She realized the matter was being worked on, but it was dragging out.

Commissioner Katz stated they were supposed to come back next week with an answer and she might be making a request at that time.

Greg Kisela, Assistant City Manager, stated that one month ago a meeting was held between the two parties in an attempt to resolve the issue. Commissioner Hutchinson stated this was a city-wide issue. Mr. Kisela stated that the present Code precluded a swing structure from being in the setback. He further stated that John Smith, Building Official, determined the swing set to be a structure and had to meet the requirements of the South Florida Building Code. Commissioner Hutchinson asked how this matter could proceed to the next level.

Mayor Naugle suggested that an ordinance be passed.

Mr. Kisela stated that according to Mr. Smith's determination, it would have to go before the Board of Rules and Appeals. They were comfortable with his determination being correct. He also stated that one of the parties requested a 30-day extension to see if the suggested modifications could be made that were acceptable to the other neighbor.

The City Attorney stated that the structure was more like a treehouse and not a swing set. Mr. Kisela stated it was a two-story structure and was located inches from the property line.

ACTION: Item to be researched as to how other cities handled such matters.

The Esplanade

Mayor Naugle stated that a traffic plan had been approved for a road to be built between the Esplanade and the Housing Authority property and close New River Drive. The road had not been built and a property owner called and stated the developer kept closing the road and residents could not reach their homes. Mayor Naugle suggested that the project be closed down if the road was constantly closed and the new road not built. The Commission agreed.

Greg Kisela, Assistant City Manager, stated that the Commission had approved at the last meeting the closure and that they were going to work out a traffic plan.

Mayor Naugle stated that regarding such issues, they needed to make sure that such things be done first before building permits were issued.

ACTION: Developer to be contacted about the building of the temporary road.

Recreational Design and Construction (RDC)

Commissioner Moore stated that with the resignation of Peter Sheridan, he felt they needed to look at Recreational Design and wanted an update.

Greg Kisela, Assistant City Manager, stated that an audit report had been received as it related to the initial contracts and Welcome Park. They identified that a portion of those expenses were being questioned and they needed to research the matter. They had 30 days to respond to Mrs. Love's report and this was going to be done. As part of this, if they determined that some of the expenses were ineligible, they would go back to RDC and seek reimbursement. There were over 53 individual Task Orders that were either ongoing or completed with RDC over the last few years. They anticipated it would take about one year to audit each and every order and were permitted to do so. Mr. Kisela believed that 6-7 orders were ongoing and a report would be given to the Commission.

Commissioner Katz asked if they were hired on contract to do small jobs for the City throughout the year. Mr. Kisela replied that they were originally brought in 1996-1997 when the Bond Issue had been passed and piggybacked on the Broward County parks project contract. They then did their separate solicitation in 1998-1999 and brought in RDC to address some smaller projects. Collectively, they had done about over 50 individual task orders with the City.

Commissioner Smith felt they should be precluded from doing work until issues had been addressed regarding the charges.

Commissioner Moore stated that he wanted to know if there were any criminal charges involved in this matter, and stated that he was also concerned about the corporate entity itself in doing the work without a bill. The City Attorney stated there was a bill involved.

Mayor Naugle stated that he requested that an audit be conducted. Mr. Kisela confirmed and stated that Engineering had 30 days upon receipt to provide a response. If monies were owed, they would return to RDC and request reimbursement.

Commissioner Smith asked if the company would be excluded from bidding on future work. The City Attorney stated that was not going to be done. He stated that they could only show that there was not sufficient documentation to justify the expenses paid. The problem was they kept paying them, and if RDC would not give a reimbursement if required, then they could suspend them from doing future work.

Mayor Naugle replied that ranking had not been done and they would have to wait and see what would be provided in the reports. Commissioner Smith felt the City's credibility was at stake and he felt this was a high priority item.

ACTION: Matter to be reviewed and response provided to the audit and to the Commission.

Engineering Department

Commissioner Smith stated that projects were languishing and he wanted to know the current status.

Greg Kisela, Assistant City Manager, stated there were a number of vacancies in the department due to various reasons. He explained it had been a challenge to meet the elected officials' expectations in this matter and they were currently being addressed. He stated there were about 5-6 project engineer vacancies and some selections had been made. Resources had been moved around and some leadership issues were involved. He further stated they had some excellent candidates for the positions.

Commissioner Hutchinson asked when the department would be at full capacity. Mr. Kisela stated that the department should be fully staffed by the first quarter of 2003. Commissioner Moore asked if they were using a "head hunting firm" and felt this might be necessary. Mr. Kisela stated they were receiving good applications and resumes, and were matching the resumes to the positions. He also advised that they were advertising across the country for the positions.

ACTION: Report would be given to the Commission in the near future.

There being no further business to come before the Commission, the meeting adjourned at 5:10 p.m.

Note: A mechanical recording has been made of the foregoing proceedings of which these minutes are a part, and is on file in the office of the City clerk for a period of two years.